was that, if the corporation removed a suit to the federal courts, its license should be void, the Supreme Court considered that the sole object was the requirement of the stipulation not to remove to the federal courts and held the act unconstitutional. *Barron* v. *Burnside*, 121 U. S. 186 (1887); *Southern Pacific Co.* v. *Denton*, 146 U. S. 202 (1892).

Where the statute provides, as in the instant case, that, if the foreign corporation removes a suit to a federal court or (as set out in some enactments) institutes a suit before such a tribunal, its license shall be revoked, the decisions of the Supreme Court as to its constitutionality have not been uniform. In two instances, the court thought that, as the State had the power to revoke a mere license, the reason by which it was influenced in so doing could not be inquired into, and held the statute constitutional. *Doyle* v. *Continental Ins. Co., supra; Security Mutual Life Ins. Co.* v. *Prewitt, supra.* As stated above, the instant case *in terms* overrules these decisions. In other cases, the court has found no substantial difference between a statute requiring an agreement not to remove (held void in *Insurance Co.* v. *Morse, supra*) and one forfeiting the license of a foreign corporation if it does remove, and so has held such a statute unconstitutional. *Herndon* v. *Chicago, etc., R. Co.*, 218 U. S. 135 (1910); *Harrison* v. *St. Louis, etc., R. Co.*, 232 U. S. 318 (1914) (The statute here provided that, if a foreign corporation asserted in court the existence of foreign domicil or citizenship, its license should be revoked); *Wisconsin* v. *Philadelphia, etc., Co.*, 241 U. S. 329 (1916).

The decision in the instant case seems eminently sound in declaring unconstitutional State statutes enacted for the sole purpose of restraining foreign corporations from invoking their constitutional rights to remove cases to and to institute cases in the federal courts.

CONSTITUTIONAL LAW—NINETEENTH AMENDMENT.—The Constitution of Maryland limits the suffrage to men. The Nineteenth Amendment to the Federal Constitution declares that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." Under this amendment, which had been ratified by the requisite three-fourths of the States without the assent of Maryland, two women citizens of that State qualified as voters. Appellants brought suit to have their names stricken from the list of voters, alleging that the Nineteenth Amendment was unconstitutional. *Held*, judgment for appellees. *Leser* v. *Garnett*, 42 Sup. Ct. 217 (1922).

Obviously, the extension of the suffrage to the women approximately doubled the number of voters. On behalf of the appellants, it was objected that so large an addition to the electorate of a State, without its assent, destroyed its political autonomy. This was answered by drawing an analogy to the Fifteenth Amendment which prohibited denial of the right to vote "on account of race, color, or previous condition of servitude." This amendment likewise made extensive additions to the electorate and has been a part of the supreme law of the land for upwards of half a century. See *United States* v. *Reese*, 92 U. S. 214 (1875); *Neal* v. *Delaware*, 103 U. S. 370 (1880); *Guinn* v. *United States*, 238 U. S. 347, L. R. A. 1916A, 1124 (1915); *Myers* v. *Anderson*, 238 U. S. 368 (1915).

The Court rested its decision in the instant case solely on the validity

of the Fifteenth Amendment, and summarily dismissed the argument that the constitutionality of that amendment was virtually forced upon the Court by reason of the political upheaval resulting from the War between the States. In a case decided shortly after the ratification of the three War amendments, it was said that slavery "perished as a necessity of the bitterness and force of the conflict", Implying that the Fifteenth Amendment was but the constitutional guarantee of an issue decided on the battlefields of that war and not by the sober judgment of the Supreme Court. *Slaughter-House Cases,* 83 U. S. 36, 68 (1872).

Article 5 of the Constitution of the United States provides in part "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." Appellants contended that the extension of the suffrage to women, which was contrary to the laws of Maryland, thereby made her Senators responsible to a different constituency from that heretofore composing the State of Maryland, and in that sense deprived the *real* State of Maryland of its suffrage in the Senate. This argument was not answered in the opinion of the Court. If Article 5 was violated by the Fifteenth Amendment, no reason is perceived why another violation should be allowed to stand. For example, the validity of an income tax without apportionment among the several States in accordance with population in 1861 did not prevent the Supreme Court form holding a similar Act of 1894 unconstitutional. *Pollock* v. *Farmers' Loan and Trust Company,* 157 U. S. 429 (1895).

For discussion of the Nineteenth Amendment, see 6 VA. LAW REV. 589; 8 VA. LAW REV. 139, 157, 237.

CRIMINAL LAW—EVIDENCE—SELF-SERVING DECLARATION MADE SOME MINUTES AFTER KILLING NOT ADMISSIBLE AS RES GESTAE.—The defendant and the deceased were quarreling and scuffling, during which the defendant reached for a gun and killed the deceased. Officers came and made the arrest within five to fifteen minutes later. At the trial, one of the officers offered as evidence, in testifying, a statement made by the defendant upon arrest, which tended to show the state of mind of the defendant at the time of the killing. The defendant claims that such evidence is admissible as being a part of the *res gestæ. Held,* evidence not admissible, being a self-serving declaration and forming no part of the *res gestæ. Sherman* v. *State* (Okl.), 202 Pac. 521 (1921).

In determining whether a statement is part of the *res gestæ,* no arbitrary time, between the occurrence and the statement, can be fixed, but the character of the statement itself and the circumstances under which it was made are to be considered. *Southern Ry. Co.* v. *Brown,* 126 Ga. 1, 54 S. E. 911 (1906); *Murray* v. *Railroad,* 72 N. H. 32, 54 Atl. 289, 61 L. R. A. 495 (1903).

The true inquiry in determining whether a declaration is part of the *res gestæ* or not, is whether it is a verbal act illustrating, explaining, or interpreting other parts of the transaction of which it is itself a part, or merely a history, or part of the history, of a completed past affair. *Mayes* v. *State,* 64 Miss. 329, 1 So. 733, 60 Am. Rep. 58 (1887). A declaration made by a person after his arrest, and but little more than a minute after shooting another, as to the reason why he shot him, has been held inadmissible, it being a mere statement of a past transaction. *King* v. *State,* 65 Miss. 576, 5 So. 97, 7 Am. St. Rep. 681 (1888). So statements made